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**CHIEF JUDGE  
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12-14**

**DATE:** June 13, 2012

**TO:** All Judges, All Court Commissioners, District Court Administrator, Deputy District Court Administrator, County Executive, Clerk of Circuit Court, Corporation Counsel, Sheriff, District Attorney, City Attorney, Public Defender, DAS Fiscal Affairs, Court Coordinators, Managing Court Reporter, Justice 2000, WCS, Legal Resource Center, Facilities Management, Press

**FROM:** Chief Judge Jeffrey A. Kremers

**RE: ADOPTION OF LOCAL RULE 146 – ANNUAL ROTATION**

Wis. Stat. § 753.35(1), SCR 70.19(3), SCR 70.21(15e) and SCR 70.34 vests authority in the chief judge to prescribe local rules governing practices in the circuit court. Pursuant to this authority, the local rule is revised as follows:

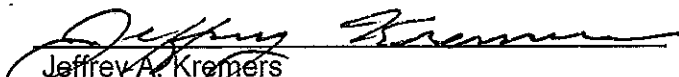
IT IS HEREBY DIRECTED that, effective June 12, 2012, Local Rule 146, Rotation of Judicial Assignments (as amended December 9, 2002) is repealed and Local Rule 146 Annual Rotation, a copy of which is attached to this directive, is adopted in its place.

IT IS FURTHER DIRECTED that, this rule shall be filed with the Clerk of Circuit Court.

IT IS FURTHER DIRECTED that, the Clerk of Circuit Court shall send a copy of this rule to the secretary of the Milwaukee Bar Association, the District Court Administrator for the First Judicial District, the State Bar of Wisconsin, the state law library, and the office of the Director of State Courts.

IT IS FURTHER ORDERED that, this rule shall be published on the Chief Judge page of the Milwaukee County website and on the website of the State Bar of Wisconsin.

Dated at Milwaukee, Wisconsin, this 13<sup>th</sup> day of June, 2012.

  
Jeffrey A. Kremers  
Chief Judge

JAK: dla  
Attachment

## **Rule 146      Annual Rotation**

### **A. Definitions; priority among judges of equal seniority**

1. "Career seniority" means the total amount of uninterrupted time a judge has served as a trial judge, a member of the Court of Appeals, or a Justice of the Supreme Court.
  - a. Judges who commence service as a circuit judge on the state payroll on the same day have equal career seniority for as long as their service is uninterrupted.
  - b. If priority among judges of equal career seniority cannot be resolved by mutual agreement, priority shall be determined by lot on the first such occasion, and subsequently by turn.
2. "Division seniority" means the total amount of uninterrupted time a judge has served in a division of the circuit court since the judge's rotation into the division. Priority among judges of equal division seniority shall be determined on the basis of career seniority.

### **B. General Rules**

1. At any time the Chief Judge may order the assignment and reassignment of judges from division to division and calendar to calendar to facilitate the fair and efficient operation of any division.
2. Annually, the Chief Judge shall determine and prepare the list of persons required to rotate. Rotation shall be effective on the last Monday on or before August 1.
3. In order to accomplish the rotation of a sufficient number of judges, the Chief Judge may order the rotation of judges with less than four uninterrupted years of service in a division.
4. A judge may not serve in a division for more than four uninterrupted years.
5. All specialty calendar assignments are subject to the Chief Judge's approval.

### **C. Divisional Rules regarding the selection of calendars and courtrooms**

#### **1. Civil Division**

- a. Calendars stay in their currently assigned courtroom. Judges currently in the division may not change courtrooms without the approval of the Chief Judge.

With the exception of the small claims assignment (see below), judges coming into the division and the judge coming out of the small claims assignment, select in order of their career seniority.

i. Assignment to Small Claims Calendar: The small claims calendar shall be assigned, applying the following sequence, to the first judge who meets the stated qualifications:

1. The judge rotating into the division with the least career seniority who has not been assigned previously to the small claims calendar;
2. The judge with the most division seniority and the least career seniority who has not been assigned previously to the small claims calendar

## 2. Family Division

Calendars stay in their currently assigned courtroom. Judges currently in the division may not change courtrooms without the approval of the Chief Judge. Judges coming into the division select in order of their career seniority.

## 3. Juvenile Division

- a. In recognition of the administrative duties and outside committee responsibilities, the Chief Judge may in appropriate circumstances allow the presiding judge to stay in the division for a 5<sup>th</sup> year.
- b. The Chief Judge may allow Judges within the division to select first from open calendars. New judges to the division may select from the remaining open calendars based on career seniority and with the approval of the Chief Judge. Judges in the division shall remain in their current office. New judges to the division shall select offices in order of their career seniority.

## 4. Misdemeanor Division

Calendars stay in their currently assigned courtroom. Judges currently in the division may not change courtrooms without the approval of the Chief Judge. Judges coming into the division select in order of their career seniority with the exception of the Domestic Violence Courts which are assigned by the Chief Judge.

## 5. Felony Division

- a. Calendars are selected first and then courtrooms. Specialty calendars are selected in the following order: Homicide/Sexual Assault (H/SA), Gun Court, Speedy Drug Court, Drug Treatment Court, and then the general calendars. All specialty court assignments are subject to the Chief Judge's approval.
- b. Regarding specialty calendars, judges who have not yet presided over the calendar during the current rotation select first in order of division seniority, and then the judges who have presided previously get a choice in order of division seniority. Ties are broken based on career seniority.
- c. Regarding general felony calendars, the judges currently assigned to them get first choice whether to keep the calendar or pass them on. Available general calendars are chosen in order by those judges currently in the division based on career seniority.
- d. New judges to the division select calendars after all the judges currently in the division have made their selections. The new judges select in order of career seniority.
- e. Courtrooms are selected as follows. The H/SA calendars stay in their currently assigned courtrooms, (SB 502, 506, and 620). Judges selecting a H/SA assignment move into one of the three courtrooms for the duration of their assignment to that calendar. Judges currently in the division may not change courtrooms, unless they are moving into or out of a H/SA assignment or moving out of SB 313 (see below). The balance of the courtrooms are selected on the basis of career seniority with the exception that SB 313 is reserved each year for the judge coming into the division with the least career seniority. The judge currently assigned to SB 313 is allowed to select an available courtroom based on career seniority.